

# Court of Appeals, State of Michigan

## ORDER

People of MI v Vince Allen Mann

Docket No. 281673

LC No. 07-005003-FC

Helene N. White  
Presiding Judge

Michael J. Talbot

Karen M. Fort Hood  
Judges

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The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. This matter is REMANDED to the trial court for an evidentiary hearing and decision whether defendant-appellant should be granted a new trial because of extrinsic influences on the jury. See *People v Budzyn*, 456 Mich 77, 88-90; 566 NW2d 229 (1997). The proceedings on remand are limited to this issue.

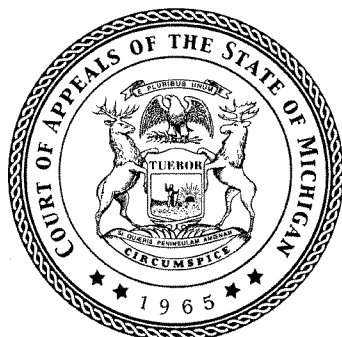
The Court retains jurisdiction and the time for proceeding with the appeal in this Court shall begin to run upon issuance of an order in the trial court that disposes of the post-conviction proceedings.

Defendant-appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the Clerk's certification of this order. Defendant-appellant shall also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry and cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings. Defendant-appellant's brief is due as provided under MCR 7.211(C)(1)(d).

The trial court shall hear and decide the matter within 56 days of the Clerk's certification of this order, making findings of fact and a determination on the record.

The time for proceeding with the appeal shall begin to run 14 days after the date this order is certified if the motion to initiate the post-conviction proceedings is not filed in the trial court within that 14-day period.

Talbot, J. would deny the motion to remand.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**AUG 05 2008**

Date

*Sandra Schultz Mengel*  
Chief Clerk